

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**JENNIFER KILGORE, AND SHIRLEY HOWARD
INDIVIDUALLY AND ON BEHALF OF
ALL OTHERS SIMILARLY SITUATED**

PLAINTIFFS

VERSUS

CIVIL ACTION NO.: 1:25-cv-55-TBM-RPM

**THE CITY OF MOSS POINT, MAYOR BILLY KNIGHT
AND THE CITY ALDERMEN, EACH IN THEIR OFFICIAL
AND ELECTED CAPACITY AND THE MOSS POINT
CHIEF OF POLICE, IN HIS OFFICIAL CAPACITY,
INTELLISAFE, LLC, JOHN DOES 1-10,
AND ACME COMPAINES 1-10**

DEFENDANTS

**RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION TO ALLOW
SUPPLEMENTAL FILINGS OF JOURNALISTIC ARTICLES**

COMES NOW, the Defendants, **THE CITY OF MOSS POINT, MAYOR BILLY KNIGHT AND THE CITY ALDERMEN, EACH IN THEIR OFFICIAL AND ELECTED CAPACITY AND THE MOSS POINT CHIEF OF POLICE, IN HIS OFFICIAL CAPACITY** (“the City Defendants”), by and through their attorneys, and file this, their Response in Opposition to Plaintiffs’ Motion to Allow Supplemental Filings of Journalistic Articles [Doc. 25] and would show unto the Court, as follows:

I.

The Court should deny the Plaintiffs’ Motion [Doc. 25] as the Plaintiffs fail to cite authority in support of or permitting the request asserted therein. Rule 902 of the Federal Rules of Evidence merely provide what “items of evidence are self-authenticating” and “require no extrinsic evidence of authenticity in order to be admitted.” Fed. R. Evid. 902. This Rule does not defeat the rules against hearsay or

permit the admittance of such evidence “to prove the truth of the matter asserted therein.” Fed. R. Evid. 801(c).

II.

Newspaper articles are “classic, inadmissible hearsay.” *Roberts v. City of Shreveport*, 397 F.3d 287, 295 (5th Cir. 2005); *see also Cano v. Bexar County, Texas*, 280 Fed. Appx. 404, 406 (5th Cir. 2008) (“Newspaper articles, however, are hearsay and therefore do not constitute competent summary judgment evidence.”). The Court should deny Plaintiffs’ Motion [25] and their request that the “contents of the [articles] should be considered by the Court” as the articles are inadmissible hearsay that may not be admitted to prove the truth of the matter asserted therein. (Pl. Mot. [Doc. 25] at pp. 2-3). Rule 902 of the Federal Rules of Evidence, which merely provides that newspaper articles are self-authenticating, does not override the rule against hearsay.

III.

Given the brevity of the Defendants’ response to the Plaintiffs’ Motion [25], these Defendants respectfully request to be excused from the requirement of submitting a separate supporting Memorandum of Authorities.

WHEREFORE, PREMISES CONSIDERED, the Defendants, **THE CITY OF MOSS POINT, MAYOR BILLY KNIGHT AND THE CITY ALDERMEN, EACH IN THEIR OFFICIAL AND ELECTED CAPACITY AND THE MOSS POINT CHIEF OF POLICE, IN HIS OFFICIAL CAPACITY** respectfully request that this Court deny the Plaintiffs’ Motion and relief requested therein.

DATED this the 9th day of June , 2025.

Respectfully submitted,

BRYAN, NELSON, SCHROEDER,
CASTIGLIOLA & BANAHAN, PLLC
Attorneys for Defendants,

**THE CITY OF MOSS POINT, MAYOR
BILLY KNIGHT AND THE CITY
ALDERMEN, EACH IN THEIR
OFFICIAL AND ELECTED CAPACITY
AND THE MOSS POINT CHIEF OF
POLICE, IN HIS OFFICIAL CAPACITY**

BY: /s/ John A. Banahan
JOHN A. BANAHAN (MSB 1731)

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CERTIFICATE OF SERVICE

I, **JOHN A. BANAHAH**, one of the attorneys for the Defendants, **THE CITY OF MOSS POINT, MAYOR BILLY KNIGHT AND THE CITY ALDERMEN, EACH IN THEIR OFFICIAL AND ELECTED CAPACITY AND THE MOSS POINT CHIEF OF POLICE, IN HIS OFFICIAL CAPACITY**, do hereby certify that I have this date electronically filed the foregoing Response in Opposition with the Clerk of Court using the ECF system which sent notification of such filing to all counsel of record.

DATED: June 9, 2025

/s/ John A. Banahan

JOHN A. BANAHAH (MSB 1731)

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